

REMARKS

Introduction

In response to the Office Action dated August 22, 2007, Applicants have amended claim 1. Support for amended claim 1 is found in, for example, page 10, line 21-page 11, line 7 of the originally filed specification. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-4, 9, and 12-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Pre-Grant Publication No. 2005/0201699 to Ball et al. (hereinafter Ball). Applicants traverse. Amended claim 1 recites, in part, "...a starting pipe including not less than 0.1 percent by weight of chlorine."

Ball discusses a silica glass article, which is essentially free of chlorine. Ball states in Paragraph [0011]:

Preferably the silica glass article is essentially free of chlorine and water. Alkali metals bond strongly with chlorine, either within the silica glass, or outside of the silica glass, to form an alkali metal chloride. Such alkali metal chloride, if formed outside the silica glass, will inhibit the diffusion of the alkali metal into the glass article. If formed within the silica glass article, alkali metal chloride crystals would render the glass opaque and therefore undesirable for the transmission of light.

More specifically, Ball recommends a silica glass article having less than about 500 ppm of chlorine (Para. [0022]).

According to the claimed subject matter per amended claim 1, the starting pipe has **not** less than 0.1 percent by weight of chlorine. Thereby, as taught in the instant specification, the

loss of an optical fiber in a 1.4 μm band due to the absorption by OH groups is decreased to 0.05 dB/km or less when dehydration is performed under conditions in which 0.1 percent by weight of chlorine is allowed to remain (*see, e.g.*, Fig. 14 and pg. 10, line 21-pg. 11, line 7).

Thus, Ball teaches away from the claimed invention. Ball fails to disclose or suggest, at a minimum, "...a starting pipe including not less than 0.1 percent by weight of chlorine," as recited in amended claim 1.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities," *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Ball does not anticipate amended claim 1, nor any claim dependent thereon. The dependent claims are allowable for at least the same reasons as claim 1.

Withdrawal of the foregoing rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 5-8, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball, in view of Pre-Grant Application No. 2006/0191294 to Ganz et al. Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball. Dependent claims 5-8, 10, 11, 19, and 20 are allowable for at least for the same reasons as independent claim 1, and further distinguish the claimed method of manufacturing an optical fiber preform.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Lisa A. Kilday
Registration No. 56,210

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS/LAK:lnm
Facsimile: 202.756.8087
Date: November 21, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**